



Order Filed on January 9, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

Bradford J. Sandler
Paul J. Labov
Colin R. Robinson
PACHULSKI STANG ZIEHL & JONES LLP
780 Third Avenue, 34th Floor
New York, NY 10017
Telephone: (212) 561-7700
Facsimile: (212) 561-7777
bsandler@pszjlaw.com
plabov@pszjlaw.com
crobinson@pszjlaw.com

Counsel to the Plan Administrator

In re:

BED BATH & BEYOND INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

**ORDER GRANTING DEBTORS' (I) SECOND OMNIBUS OBJECTION TO
CERTAIN TAX CLAIMS AND (II) MOTION TO DETERMINE TAX LIABILITY
AND STAY PROCEEDINGS WITH RESPECT TO CERTAIN CLAIMS**

The relief set forth on the following pages, numbered two (2) through five (5), is
ORDERED.

DATED: January 9, 2024

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

¹ The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtor's proposed claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>.

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RESPECT TO CERTAIN CLAIMS

Upon the *Debtors' (I) Second Omnibus Objection to Certain Tax Claims and (II) Motion to Determine Tax Liability and Stay Proceedings* [[Docket No. 2180](#)] (the "Omnibus Objection")¹ on behalf of the Plan Administrator, as successor to Bed Bath & Beyond Inc. and its affiliated debtors (the "Debtors"), for entry of an order (this "Order"), pursuant to sections 105(a), 502, and 505 of the Bankruptcy Code, Bankruptcy Rule 3007, and Local Rule 3007-2 (i) determining market values to establish the bases upon which to compute taxes for tax year 2023 as to the Claims and to stay state proceedings and (ii) modifying or reducing the claims listed on **Schedule 1** attached to this Order based on the determination of assessed value of the Debtors' property; and the Court having jurisdiction to consider the Omnibus Objection and the relief requested therein in accordance with [28 U.S.C. §§ 157](#) and [1334](#); and consideration of the Omnibus Objection and the relief requested therein being a core proceeding in accordance with [28 U.S.C. § 157\(b\)\(2\)](#); and it appearing that proper and adequate notice of the Motion has been given and that no other of further notice is necessary; and venue being proper in this District pursuant to [28 U.S.C. §§ 1408](#) and [1409](#); and after due deliberation and sufficient cause appearing therefor

IT IS HEREBY ORDERED THAT:

1. The Omnibus Objection is GRANTED as set forth herein.
2. Pursuant to section 505(a) of the Bankruptcy Code, the Court finally determines that the Revised Fair Market Values set forth on the Assessment Schedule attached as Exhibit 1 to

¹ Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Omnibus Objection

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the Lammert Declaration are the appropriate bases upon which the California Authorities are to compute taxes for the tax year 2023 for the Property. All tax related administrative or state proceedings (whether administrative hearings, administrative appeals, judicial appeals, or state court litigation) related to the valuation of the Property and related deadlines are hereby discontinued with prejudice and are finally determined as set forth herein..

3. The Claims set forth on **Schedule 1** attached hereto shall be reduced or modified for the tax year 2023 based on the Revised Fair Market Values set forth in the Assessment Schedule and reflected on **Schedule 1** hereto, in full and final satisfaction of the 2023 tax year.

4. Nothing contained in this Order shall impair the rights of the Plan Administrator to seek, pursuant to section 505 of the Bankruptcy Code, a refund of any taxes previously paid with respect to the Property.

5. The objection to each Claim addressed in the Omnibus Objection and as set forth in **Schedule 1** attached hereto, constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall be deemed a separate order with respect to each Claim that is the subject of the Omnibus Objection and this Order. Any stay of this Order pending appeal by any claimants whose claims are subject to this Order shall only apply to the contested matter that involves such claimant and shall not stay the applicability and/or finality of this Order with respect to any other contested matters addressed in the Omnibus Objection and this Order.

6. The requirement set forth in Local Rule 9013-1(a)(3) that any motion or other request for relief be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Omnibus Objection or otherwise waived.

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7. Notwithstanding any applicability of any of the Bankruptcy Rules, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

8. The Debtors or their successors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

9. Other than as set forth in **Schedule 1**, nothing contained herein shall be considered "law of the case" and/or waive or otherwise limit any other claimant's defenses in connection with the Motion.

10. This Court shall retain jurisdiction over all matters arising from or related to the implementation and interpretation of this Order.

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SCHEDULE 1

<i>County</i>	<i>Claim Status</i>	<i>Claimant</i>	<i>Claim No.</i>	<i>Account No.</i>	<i>2023 Asserted Value</i>	<i>2023 Revised Fair Market Value</i>
Butte	Secured	Butte County	8808	800-044-188-000	\$268,510.00	\$23,370.00
Humboldt	Priority	Humboldt County	17803	800-009-016-000	\$214,753.00	\$44,176.00
Marin	Priority	Marin County	322	B03-009-55	\$1,933,946.00	\$24,992.00
Monterey	Secured	Monterey County	17670	800-032-868-000	\$291,510.00	\$11,665.00
*San Francisco	Priority	City and County of San Francisco	17635	162359001	\$2,915,855.00	\$42,577.00
Stanislaus	Priority	Stanislaus County	17767	800-017-763-000	\$260,940.00	\$25,218.00
** Santa Barbara	N/A	N/A	N/A	07717042-030-9	\$630,370.00	\$104,233.00
** Tulare	N/A	N/A	N/A	800-233-234-000	\$545,640.00	\$65,138.00

* San Francisco's gross claim includes property tax, registration and annual business tax fees. The Claim and Allowed Amount excludes the tax portion of the claim.

** N/A no claim filed.